
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

THOMAS J. LOWERY,

Plaintiff,

vs.

**STATE OF UTAH, THIRD DISTRICT
COURT, LEON A. DEVER in his official
capacity as Utah Third District Court
Judge,**

Defendants.

ORDER

Case No. 2:05CV884

Judge Tena Campbell

Magistrate Paul M. Warner

Before the Court are three motions filed by Plaintiff Thomas J. Lowery, who is acting *pro se* in this matter. Plaintiff's first motion is a Motion for Reasonable Modifications of Rules, Policies, or Practices on Defendants' Motion to Dismiss. [Docket #19]. Plaintiff's second motion is an Expedited Motion for Reasonable Modification of Rules, Policies, or Practices To Not Engage in Flagrantly Absurd Legal-Experimentation on the Severely Mentally Disabled *Pro Se* Plaintiff on Defendants' Motion to Dismiss. [Docket #26]. Plaintiff's third motion is an Ex Parte Motion for Reasonable Modification of Rules, Policies, or Practices and/on Amendment "As A Matter of Course" to Plaintiff's Complaint. [Docket #30]. The Court will address each of Plaintiff's motions in turn.

Plaintiff's Motion for Reasonable Modifications of Rules, Policies, or Practices on Defendants' Motion to Dismiss is substantially similar to a previous motion filed by Plaintiff

[Docket #4] and already ruled on by Magistrate Alba in an Order dated January 4, 2006. [Docket #16]. The only substantive difference is Plaintiff's request to "[p]ermit [P]laintiff to submit an overlength memorandum of 13 pages." Plaintiff, however, fails to identify the specific pleading to which this overlength memorandum applies or the reasons why additional pages are needed.

The Court directs Plaintiff to Local Rule DUCivR 7-1(e) which requires that

[a] motion for leave to file a lengthy memorandum must include a statement of the reasons why additional pages are needed and specify the number required. The court will approve such requests only for good cause and a showing of exceptional circumstances that justify the need for an extension of the specified page limitations. Absent such showing, such requests will not be approved.

DUCivR 7-1(e). Plaintiff may access the Local Rules on the Court's website at

www.utd.uscourts.gov/documents/rulepage.html. Additionally, Plaintiff may not need leave to

file his memorandum if, "exclusive of face sheet, table of contents, statements of issues and facts, and exhibits," his memorandum does not exceed ten pages. DUCivR 7-1(b)(3).

Accordingly, Plaintiff's motion [Docket #19] is DENIED.

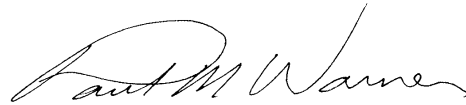
In Plaintiff's second motion, he "moves the court to reasonably modify 'RULES, POLICIES, OR PRACTICES,' to NOT engage in flagrantly absurd and irrational legal-experimentation on the severely mentally disabled *pro se* plaintiff, which experimentation caused plaintiff virtually insufferable psychotic torture in Judge Quinn's court." Plaintiff does not, however, specify which rules, policies, or practices he wishes the court to modify. Accordingly, Plaintiff's motion [Docket #26] is DENIED.

In Plaintiff's third motion, he moves the court to allow him to amend his complaint pursuant to Federal Rule of Civil Procedure 15. Because leave to amend "shall be freely given," Plaintiff's motion [Docket #30] is GRANTED. Fed. R. Civ. P. 15(a). Accordingly, Plaintiff is directed to file with the Court an Amended Complaint with the additional paragraphs.

The Court wishes to assure Plaintiff that it has carefully read and considered Plaintiff's motions. As a matter of practice, the Court carefully reads all pleadings and considers the law and facts relating to every motion before it. Like Magistrate Alba, this Court will also take into account Plaintiff's circumstances as a *pro se* plaintiff with alleged mental disorders in ruling on pleadings in the case.

DATED this 25th day of April, 2006.

BY THE COURT:

A handwritten signature in cursive script, reading "Paul M. Warner".

PAUL M. WARNER
United States Magistrate Judge